

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTHONY BROOKS,

Plaintiff,

v.

CURTIS RIGNEY, et al.,

Defendants.

Case No.: 2:23-cv-00982-GMN-NJK

ORDER

On June 26, 2023, *pro se* plaintiff Anthony Brooks, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. Docket Nos. 1, 1-1. Upon review, the Court notes that Plaintiff did not sign the complaint. *See* Docket No. 1-1 at 10. “A civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. Further, a plaintiff who is not represented by counsel must personally sign his or her complaint. *Id.* at 11(a).

The Court cannot consider the complaint that Plaintiff submitted because Plaintiff did not sign it. The Court grants Plaintiff a one-time extension to file a signed amended complaint with the Court. Submission of a mere signature page will not be sufficient. Plaintiff is advised that an amended complaint replaces the original complaint, so the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989). This means the amended complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this action.

Accordingly, for the reasons stated above,

IT IS ORDERED that, no later than **August 14, 2023**, Plaintiff must file a signed amended complaint. If Plaintiff chooses to file an amended complaint, he should use this Court’s approved prisoner civil rights form, and it must be titled “First Amended Complaint.”

1 IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, this
2 action will be subject to dismissal without prejudice. A dismissal without prejudice allows
3 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a signed
4 complaint.

5 The Clerk of the Court is **INSTRUCTED** to send Plaintiff Anthony Brooks the approved
6 form for filing a § 1983 complaint, instructions for the same, and a copy of the complaint, Docket
7 No. 1-1; and to retain the complaint, Docket No. 1-1, but not file it at this time.

8 IT IS SO ORDERED.

9 DATED: July 14, 2023.

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13 NANCY J. KOPPE
14 UNITED STATES MAGISTRATE JUDGE
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